

REMARKS

Entry of this Amendment is requested to correct an obvious error in claim 1. Entry of this amendment will place the application in condition for allowance or in better condition for appeal.

Amendment to Claim 1

The error in claim 1 is obvious. By inspection it can be seen that a “tray” is introduced in the first clause after the preamble. As corrected, claim 1 has the features of the “tray” (rather than the bin, which is not discussed in this clause) further defined. Accordingly, entry of this amendment is respectfully requested.

Rejection Under 35 USC § 112

The Office requires clarification as to the meaning of the terms “bin” and “tray.” These terms have different meanings which is the reason for the use of these two different terms.

The term “bin” refers to the device that stores paper. The Specification describes a digital copier machine 100 having several paper bins 110. See Fig. 1.

The term “tray” refers to device that stores optical discs. The Specification describes a digital copier machine 100 having a supply 160 of optical discs configured to occupy the space ordinarily reserved for an additional paper bin. See Fig. 1. The supply of optical discs 160 comprises a tray 400 with stacks of optical discs, and the tray includes a picker mechanism 340 to take discs from respective optical disc stacks. See Fig. 4.

The Office also requires clarification as to whether a single bin or a single tray is for storing two different types of media or whether each type of media is accommodated in a different bin or tray. The Office has interpreted the claims as having the two media stored in separate places. That is the correct interpretation.

Rejection Under 35 USC § 103(a): Sekikawa In View of Cummins

All claims are rejected as being obvious over Sekikawa in view of Cummins. The foregoing clarification makes the distinction over the cited documents more clear. However, the terms “bin” and “tray” are distinct and refer to distinct structures. The claimed “tray” is sized and positioned within the digital copier machine and includes a drive unit and a picker mechanism. The claimed improvement in digital copier machines synergistically advances the art by providing previously unrecognized benefits in machines that include platens and paper bins for reproducing paper documents in printed copies. The claimed invention allows the copies to be on paper or on optical media, the latter choice being provided from a supply of optical discs held in a tray that occupies a space normally reserved for a paper bin. No such tray construction or features are known in the cited prior art.

The Office proposes that it would have been obvious to modify Sekikawa to include an optical disc tray and to further include a picker to deliver a disc from a supply of discs in response to a load drive signal “as taught by Cummins.” The cited rationale for making this modification includes: (1) eliminating separate mountings, (2) improved efficiency due to having a supply of digital media, and (3) providing options to users to select paper or optical disc storage of scanned documents.

However, Sekikawa does not recognize or teach a supply of digital storage media. Rather, Sekikawa merely proposes a manual connection of a single memory card to a copy machine for use in a specific copy job. The memory card is inserted through an exterior access port of the copy machine, there is no supply of memory cards, and there is no mechanism to pick a memory card from a supply of memory cards.

Cummins has certain features omitted from Sekikawa but has no pertinence to digital copier machines. Rather, it concerns disc duplication and its “printer” is merely a disc labeler and is not pertinent to digital paper copier machines. In any event, Cummins lacks any teaching or suggestion that its disc-duplication structure can be structurally formed so as to occupy a space ordinarily reserved for a paper bin.

Even if Sekikawa were combined with Cummins, the result would not include a tray that seats in a space normally reserved for at least one paper bin because there is absolutely no teaching or suggestion that it have such a size or positioning as recited in the independent claims.

Claim 1 is written as a *Jepson* claim, reciting the known components in the preamble and the improvement in the body of the claim. The claimed improvement provides a tray *sized and positioned in the digital copier machine so as to occupy a space ordinarily reserved for the at least one paper bin*. The tray includes the combination of an optical drive unit and a picker and replaces a conventional paper bin, while having communication between the drive unit of the tray and the operational logic of the digital copier machine. The drive unit is connected to the digital copier so that controls on the copier can cause the picker to load the drive unit, write to a disc, and dispense the disc without the user having to supply a disc. As a result, a digital copier machine can be *retrofit by replacing a conventional paper bin with an optical disc tray and operational logic*, as claimed, to enable a user to select an optical disc as the target for output information without the need for the user to have a disc of his or her own beforehand.

Neither Sekikawa nor Cummins teaches or suggests an improved digital copier machine with a tray configured to supply and write to optical discs as recited in claim 1. Accordingly reconsideration of the rejection of claim 1 is warranted.

Claim 14 recites a method for controlling a job output of a digital copier machine in which there is the step of “supplying the removable digital storage medium from a supply contained in a tray which is sized and positioned in the digital copier machine so as to occupy a space ordinarily reserved for the at least one paper bin,” and in which there is “an optical drive unit included within the tray.” Further, amended claim 14 has the additional step of “ejecting the digital storage medium from the drive unit into a return for retrieval from the tray” so that a user can copy a source document in paper form onto a digital storage medium provided from a supply included within a tray disposed where a paper bin is ordinarily located (see Fig. 4 and page 19, lines 15-16 of the Specification).

Neither Sekikawa nor Cummins teaches or suggests a method for controlling the job output of a digital copier machine as recited in claim 14 in which there is an optical drive unit within a tray seated in a space ordinarily reserved for a paper bin yet which is configured to supply and write to optical discs. Accordingly reconsideration of the rejection of claim 14 is warranted in view of the claim amendments.

Claim 20 stands rejected as obvious over Sekikawa in view of Cummins; however, an obviousness rejection over a combination of references cannot be maintained when the proposed combination relies upon a document from non-analogous art. Applicant strenuously observes that Cummins is neither in the field of digital paper copier machines nor does it address the problem of improving transportability of imaged documents that have been captured from a platen of a digital copier. The requirement that a document be analogous art is a threshold matter before considering whether the document is a citable reference in connection with a rejection under 35 U.S.C. § 103(a).

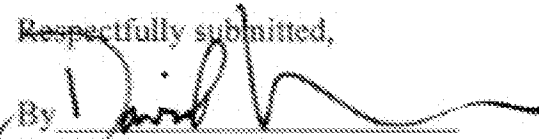
Cummins clearly concerns optical disc copying and recording devices and has no pertinence to the field of digital copier machines having platens for paper document imaging.

Neither is Cummins fairly understood as being directed to the problem of transportability of imaged documents that have been captured from a platen of a digital copier. Cummins has no pertinence to any problem associated with imaged document management as the technology of Cummins presupposes that content is available in a digital form for duplicating onto optical discs.

Accordingly, Cummins is not analogous art under either test forth in *In re Deminski*, 796 F.2d 436, 442 (Fed. Cir. 1986), and therefore cannot be fairly combined with Sekikawa to reject the subject matter of claim 20. As a result, claim 20 and its dependent claim 21 are believed to be allowable over the art of record.

Reconsideration and allowance of all claims now pending is requested.

Dated: January 26, 2008

Respectfully submitted,

By David Leason
Registration No.: 36,195

Applicant

David Leason
28 Garey Drive
Chappaqua, New York 10514
212-527-7602